FEDERAL REGISTER

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Washington, Friday, May 29, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10456

DELEGATING TO THE SECRETARY OF DEFENSE AND THE DIRECTOR OF DEFENSE MOBILIZATION CERTAIN FUNCTIONS RELATING TO CRITICAL DEFENSE HOUSING AREAS

By virtue of the authority vested in the President by section 208 (a) of the Housing and Rent Act of 1947, as amended, and by section 301 of title 3 of the United States Code, I hereby delegate all powers, duties, and functions conferred upon the President by section 204 (f) (5) (B) of the Housing and Rent Act of 1947, as amended by section 5 (a) of the Housing and Rent Act of 1953 (Public Law 23, 83d Congress) relating to critical defense housing areas, to the Secretary of Defense and the Director of Defense Mobilization, who shall act jointly in the exercise or performance of such powers, duties, and functions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 27 1953.

[F. R. Doc. 53-4776; Filed, May 28, 1953; 11:27 a. m.]

EXECUTIVE ORDER 10457

DESIGNATING THE DEPARTMENT OF JUSTICE AS A DEFENSE AGENCY FOR CERTAIN PURPOSES

WHEREAS chapter 17 of title 35 of the United States Code provides in part that whenever the publication or disclosure of any invention by the granting of a patent therefor might be detrimental to the national security, the invention may be kept secret and the granting of a patent withheld under the conditions and to the extent set out therein;

WHEREAS section 181 of the said chapter 17 provides in part as follows:

> Whenever the publication or disclosure of an invention by the granting of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the application for patent in which such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

AND WHEREAS it appears that it would be in the interest of the national security to make the designation hereinafter described:

NOW THEREFORE, by virtue of the authority vested in me by the above-quoted provision of law, I hereby designate the Department of Justice as a defense agency of the United States for the purposes of the said chapter 17 of title 35 of the United States Code.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 27 1953.

[F. R. Doc. 53-4777; Filed, May 28, 1953; 11:27 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the position listed below is excepted from the competitive service under Schedule C.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* [Reserved.]

(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-4684; Filed, May 28, 1953; 8:45 a. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 20.5 (b) (2) is amended to read as follows:

§ 20.5 *Actions.* * * *

(b) *Employees in positions in the competitive service.* * * *

(2) No employee in any subgroup of the career group or the career-conditional group who is willing to accept a reasonable change in position may be separated, furloughed for more than 30 days, or subjected to greater reduction in pay than necessary under such reasonable change in position, if he is qualified for a continuing position in another competitive level in his present competitive area in which an employee with lower subgroup standing is retained, or if he is qualified to go back to a continuing position from which he was promoted (or to an essentially identical position) in his present competitive area in which an employee with lower retention standing is retained.

2. Effective upon publication in the FEDERAL REGISTER, § 20.7 (a) is amended to read as follows:

§ 20.7 *Reemployment priority*—(a) *Reemployment priority list.* Each agency shall establish and maintain a reemployment priority list for each commuting area from which career employees (and career-conditional employees, who have completed probation) have been separated in reductions in force, from competitive service positions on the basis of notices as provided in § 20.6. Each of these employees shall have his name entered on the reemployment priority list for all competitive service positions in the commuting area for which he is qualified and is available, and continued on such list for a period of 1 year from the date of such notice. His name may be deleted from such list upon his signed written request, upon his acceptance of a nontemporary position in any Federal agency, or if he declines reemployment to a position in the competitive service equivalent in grade and salary to the position from which separated by reduction in force.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53–4767; Filed, May 28, 1953; 10:35 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

U. S. STANDARDS FOR GRADES OF CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES SUCH AS BOYSENBERRIES, DEWBERRIES, AND LOGANBERRIES [1]

A notice of proposed rule making was published on January 16, 1953, in the FEDERAL REGISTER (18 F. R. 363) regarding the revision of the tentative United States Standards for Grades of Canned Blackberries which had been in effect since May 15, 1940. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Blackberries and other similar berries such as Boysenberries, Dewberries, and Loganberries are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.182 *Canned blackberries and other similar berries such as boysenberries, dewberries, and loganberries.* "Canned blackberries" and other similar berries such as "boysenberries," "dewberries," and "loganberries," hereinafter called berries means the canned product prepared from stemmed, properly ripened, sound, fresh fruit by proper cleaning and sorting and may be packed with or without the addition of water or sweetening ingredient in hermetically sealed containers and sufficiently processed by heat to assure preservation of the product.

(a) *Grades of canned berries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned berries that possess similar varietal characteristics; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that for these factors which are scored in accordance with the scoring system outlined in this section, the total score is not less than 90 points: *Provided,* That the canned berries may possess a reasonably good color and may be reasonably uniform in size if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned berries that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that for those factors which are scored in accordance with the scoring system outlined in this section, the total score is not less than 80 points: *Provided,* That the canned berries may be fairly uniform in size if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned berries that possess similar varietal characteristics; that possess a fairly good color; that may be fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that when scored in accordance with the scoring system outlined in this section, the total score is not less than 70 points.

(4) "Substandard" is the quality of canned berries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Recommended liquid media and Brix measurements for canned berries.* (1) "Cut-out" requirements for liquid media in canned berries are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades. The recommended "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

Designations and Brix Measurements

"Extra heavy sirup": 24° or more, but not more than 35° Brix.
"Heavy sirup": 19° or more, but less than 24° Brix.
"Light sirup": 14° or more, but less than 19° Brix.
"Slightly sweetened water": Less than 14° Brix.
"In water": Packed in water.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned berries be filled with berries as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Recommended minimum drained weight.* The minimum drained weight recommendations are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

grades. The drained weight of canned berries is determined by emptying the contents upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch ± 3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight (or drained berries) is the weight of the sieve and the berries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(e) *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned berries is determined by averaging the drained weights from all containers which are representative of a specific lot and such lot is considered as meeting the recommendations, if: The average drained weight from all the containers meets the recommended drained weight; one-half or more of the containers meet the recommended drained weight; and the drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practices.

TABLE NO. 1—RECOMMENDED MINIMUM DRAINED WEIGHT, IN OUNCES, OF CANNED BERRIES

Can size	Can dimensions (in inches)		Maximum capacity in water at 68° F. (in ounces)	Blackberries		Other berries	
	Diameter	Height		Extra heavy and heavy sirup	Light sirup and water	Extra heavy and heavy sirup	Light sirup and water
8 ounces	2 1/16	3 1/16	8.65	4 1/2	4 3/4	4 1/4	4 1/4
No. 303	3 3/16	4 9/16	16.85	9 1/4	9 3/4	7 3/4	8 1/4
No. 2	3 1/16	4 9/16	20.50	11 1/4	12 1/4	9 1/2	10
No. 10	6 3/16	7	109.45	63	70	55	60
No. 10 [1] (heavy pack)	6 3/16	7	109.45	----------	74	----------	70

[1] Canned blackberries in No. 10 containers (in water) may be certified with the additional statement "heavy pack, provided they meet a minimum drained weight requirement of 74 ounces per can.

(f) *Ascertaining the grade.* (1) The grade of canned berries is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character of fruit	30
Total score	100

(3) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

(g) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "22 to 25 points" means 22, 23, 24, or 25 points)

(1) *Color* (i) The factor of color refers to the color typical of the varietal group and to the intensity and brightness of such characteristic color.

(ii) Canned berries that possess a good color may be given a score of 18 to 20 points. "Good color" means that the canned berries possess a color typical of well-ripened berries for the varietal type that have been properly processed and are practically uniform and bright in color.

(iii) If the canned berries possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the canned berries possess a color typical of reasonably well-ripened berries for the varietal type that have been properly processed, and which color may be somewhat lacking in luster and may range in color from the lighter shades of reasonably well-ripened berries to the darker hues of well-ripened berries.

(iv) If the canned berries possess a fairly good color, a score of 14 or 15 points may be allowed. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the canned berries possess a color typical of fairly well-ripened berries for the varietal type that have been properly processed, and which color may be variable but is not off-color.

(v) Canned berries that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Uniformity of size.* (i) The factor of uniformity of size refers to the uniformity of diameters of the canned berries. "Diameter" is the minimum diameter of the fruit of the berry measured at right angles to the stem axis that will pass through a rigid ring of the same diameter without using pressure.

(ii) If the canned berries are practically uniform in size, a score of 18 to 20 points may be given. "Practically uniform in size" means that the variation in size of the berries does not materially affect the appearance of the product and that with respect to canned blackberries, not more than 15 percent, by count, of the blackberries are less than 20/32 inch in diameter.

(iii) If the canned berries are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that the variation in size of the berries does not seriously affect the appearance of the product and that with respect to canned blackberries, not more than 15 percent, by count, of the blackberries are less than 18/32 inch in diameter.

(iv) If the canned berries are fairly uniform in size, a score of 14 or 15 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly uniform in size" means that the canned berries may be variable in size and that with respect to canned blackberries more than 15 percent, by count, are less than 18/32 inch in diameter.

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material and from damaged berries.

(*a*) "Harmless extraneous vegetable material" means any vegetable substance (including, but not limited to, leaves, stems, or portions of stems, whether or not attached, caps or portions of caps, whether or not attached)

(*b*) "Damaged" means any surface blemish or internal injury that materially affects the appearance or edibility of the berry (including, but not limited to, insect injury, pathological injury, hard berries, underdeveloped berries, and abnormally developed berries)

(ii) Canned berries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that harmless extraneous vegetable material may be present that does not more than slightly affect the appearance or edibility of the product; and that not more than 4 percent, by count, of the canned berries may be damaged.

(iii) If the canned berries are reasonably free from defects, a score of 24 to 26 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that harmless extraneous vegetable material may be present that does not more than materially affect the appearance or edibility of the product; and that not more than 8 percent, by count, of the canned berries may be damaged.

(iv) Canned berries that are fairly free from defects may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that harmless extraneous vegetable material

may be present that does not more than seriously affect the appearance or edibility of the product; and that not more than 15 percent, by count, of the canned berries may be damaged.

(v) Canned berries which fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(4) *Character of fruit.* (i) The factor of character refers to the degree of texture, and appearance as well as to the degree of disintegration of the berries.

(*a*) A berry is considered "crushed" if more than 50 percent of the drupelets are crushed, broken or detached, or if the normal shape of the berry is otherwise materially affected or destroyed.

(ii) Canned berries that possess a good character may be given a score of 27 to 30 points. "Good character" means that the berries possess a firm, tender texture characteristic of well-ripened berries for the varietal type and are practically intact; that the berries and accompanying liquor are practically free from detached seed cells; and that not more than 5 percent, by weight, of the blackberries may be crushed and not more than 10 percent, by weight, of dewberries, boysenberries, loganberries, or other similar types may be crushed.

(iii) If the canned berries have a reasonably good character, a score of 24 to 26 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably good character" means that the berries may possess a reasonably tender texture characteristic of reasonably well-ripened berries to slightly over-ripe berries for the varietal type and are reasonably intact; that the berries and accompanying liquor are reasonably free from detached seed cells; and that not more than 10 percent, by weight, of blackberries may be crushed and not more than 15 percent, by weight, of dewberries, boysenberries, loganberries, or other similar types may be crushed.

(iv) Canned berries that possess a fairly good character may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" means that the berries may possess a fairly tender texture characteristic of fairly well-ripened berries to over-ripe berries for the varietal type and are fairly intact; and that not more than 20 percent, by weight, of the berries may be crushed.

(v) Canned berries that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned blackberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for canned berries.*

Can size		
Can mark		
Label		
Net weight (in ounces)		
Vacuum readings (in inches)		
Drained weight (in ounces)		
Degree of syrup (Brix)		
Factors		
I. Color	20	(A) 18-20; (B) 16-17; (C) [1] 14-15; (SStd.) [1] 0-13
II. Uniformity of size	20	(A) 18-20; (B) 16-17; (C) [1] 14-15
III. Absence of defects	30	(A) 27-30; (B) [1] 24-26; (C) [1] 21-23; (SStd.) [1] 0-20
IV. Character of fruit	20	(A) 27-30; (B) [1] 24-26; (C) [1] 21-23; (SStd.) [1] 0-20
Total score	100	
Grade		

[1] Indicates limiting rule.

(j) *Effective time.* The United States Standards for Grades of Canned Blackberries and other Similar Berries such as Boysenberries, Dewberries, and Loganberries (which are the first issue) contained in this section will become effective thirty days after day of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 25th day of May 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-4692; Filed, May 28, 1953; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-212-A5]

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on June 1, 1953. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Milwaukee, Wisconsin, marketing area. Accordingly, any further delay in the effective date of this order will seriously threaten the

orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been held on April 29, 1953, and a decision containing the terms and provisions of the order having been issued on May 19, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.41 (c) and substitute therefor the following:

(c) Class III milk shall be all milk the butterfat from which is contained in:

(1) Evaporated milk, condensed milk, nonfat dry milk solids and whole milk powder (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk)

(2) Ice cream, ice cream mix, eggnog, topping, casein, yogurt, aerated cream products disposed of with flavor or sweetening added in containers or dispensers under pressure, and bulk fluid milk, bulk fluid skim milk or bulk fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such; and

(3) Any other product not specified as Class I milk, Class II milk or Class IV milk.

2. Delete § 907.45 (b) (1) and renumber subparagraphs (2), (3) and (4) of § 907.45 (b) as subparagraphs (1) (2), and (3)

3. Delete the introductory language of § 907.46 (e) and substitute therefor the following:

(e) Determine the total pounds of Class III milk (with Class III (a) milk items computed separately) as follows:

4. Delete § 907.47 and substitute therefor the following:

§ 907.47 *Allocation of milk classified.* The pounds remaining in each class after making the following computations shall be the amount in such class allocated to producer milk:

(a) Subtract from the pounds of Class IV milk the pounds of shrinkage allowed in such class pursuant to § 907.46 (f) (6) (ii) and the prorated pounds of inventory variation resulting from other source milk;

(b) Subtract in sequence from Class IV milk (other than inventory variation of and shrinkage of producer milk) Class III milk, Class II milk and Class I milk to the extent of the pounds remaining in such classes, the remaining pounds of 3.5 percent milk equivalent of other source milk received: *Provided,* That for any month for which the announced price of Class III (a) milk is less than the announced price for Class IV milk, such remaining pounds of other source milk shall be subtracted from Class III (a) milk to the extent available prior to any subtraction from other classes pursuant to this paragraph;

(c) Subtract from the pounds of milk remaining in each class (other than shrinkage of producer milk in Class IV milk) the pounds of milk (in Class II milk, Class III milk, and Class IV milk the 3.5 percent milk equivalent of butterfat) received from other handlers and assigned to such class; and

(d) In the event the total (computed) pounds of milk remaining in the several classes are different from the pounds of milk received from producers (including the handler's own farm production) plus the 3.5 percent milk equivalent of butterfat overrun, reconciliation of the difference shall be effected by deducting from, or adding to, as the case may be, (1) the lowest-priced class of milk, such proportionate amount of the difference as the pounds of butterfat in such lowest-priced class are to the pounds of butterfat in all classes, and (2) Class III milk, the remaining pounds of milk to be reconciled, in such sequence; and the handler shall receive debit or credit with respect to such amounts at the announced minimum prices applicable to such classes, respectively, for the month.

5. Delete the proviso at the end of § 907.51 (c) and substitute therefor the following: *"Provided also,* That whenever the price for Class IV milk for the month is higher than the price computed pursuant to this paragraph, the price for Class III (a) milk shall be the latter price and the price for all other Class III milk shall be same as the price for Class IV milk."

6. Delete § 907.72 and substitute therefor the following:

§ 907.72 *Excess milk price.* For each of the months of April, May and June the uniform price per hundredweight of excess milk shall be the price of Class III milk (other than Class III (a) milk) computed pursuant to § 907.51 (c) for the respective month, adjusted to the nearest full cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608)

Issued at Washington, D. C., this 26th day of May 1953, to be effective on and after the 1st day of June 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-4743; Filed, May 28, 1953; 8:51 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

SUSPENSION OF INSPECTION REQUIREMENT

§ 962.309 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F R. 3013) regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this section will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication of this section in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and this section relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

(b) *Order* During the period beginning at 12:01 a. m., e. s. t., May 28, 1953, and ending at 12:01 a. m., e. s. t., March 1, 1954,

(1) The inspection requirement contained in § 962.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets.

(2) When used in this section, the terms "adjacent markets," "shipped," and "peaches in bulk," shall have the same meaning as when used in the aforesaid amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of May 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-4726; Filed, May 27, 1953; 9:23 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5920]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DIRECTORY PUBLISHING CORP. ET AL.[1]

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1397 *Customer connection,* § 3.1440 *Identity.* Subpart—*Offering unfair improper and deceptive inducements to purchase or deal:* § 3.1928 *Customer connection,* § 3.2080 *Terms and conditions.* Subpart—*Securing orders falsely, misleadingly, or improperly:* § 3.2170 *Securing orders falsely, misleadingly, or improperly.* Subpart—*Simulating competitor or another or product thereof:* § 3.2205 *Advertising matter* In connection with the offering for sale, sale or distribution in commerce, of advertising in industrial, commercial or other directories or registers, or any other publication, using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Directory Publishing Corporation et al., Brooklyn, N. Y., Docket 5920, March 17, 1953]

In the Matter of Directory Publishing Corporation, a Corporation, Business Directory Corporation, a Corporation, and Stanley Oleck and Harvey Oleck, Individually and as Officers of Said Corporations

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on September 6, 1951, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing by respondents of answers thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission, theretofore designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On April 2, 1952, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, respondents appealed from the initial decision of the hearing examiner and this matter came on for final hearing upon the complaint, the answers, testimony and other evidence, briefs in support of and in opposition to such appeal, and oral argument; and the Commission, having duly considered the record herein and having ruled upon said appeal and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts;[2] conclusion drawn therefrom,[3] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Directory Publishing Corporation, a corporation, and its officers, and respondents Stanley Oleck and Harvey Oleck, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of advertising in industrial, commercial or other directories or registers, or any other publication, do forthwith cease and desist from using in the solicitation of such advertising by mail, advertisements which have been physically clipped or removed by or for the respondents from any publication issued by others than the respondents.

It is further ordered, That the charges of the complaint be, and the same hereby are, dismissed as they relate to the acts and practices of respondent Business Directory Corporation, and as they relate also to the acts and practices engaged in by respondents Stanley Oleck and Harvey Oleck, as officers of said corporation prior to its dissolution.

It is further ordered, That respondents, Directory Publishing Corporation, Stanley Oleck and Harvey Oleck, shall, within sixty (60) days after service of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 17, 1953.

By the Commission.[3]

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-4722; Filed, May 28, 1953; 8:50 a. m.]

[1] On May 15, 1953, petitions to review the Commission's order were filed in the Court of Appeals for the Second Circuit.

[2] Filed as part of the original document.

[3] Commissioner Mason dissenting from the order in this case for the reasons stated in his dissent of July 19, 1950, filed in the Matter of Independent Directory Corporation, Docket No. 5486.

[Docket 6051]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHELL OIL CO.

Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* In connection with the sale or distribution of kerosene or fuel oils, for the purpose of resale, in commerce, and on the part of respondent corporation, and all its officers, agents, etc., (1) selling or making any contract for the sale of said products upon the condition, agreement, or understanding, express or implied, that the purchaser thereof purchase any one or all of said products exclusively from respondents; (2) selling or making any contract for the sale of said products upon any condition which, directly or indirectly, obligates the purchaser thereof to refrain from dealing in the goods, wares, or merchandise of a competitor or competitors of respondent; (3) refusing to sell, or refraining from selling, any amount or quantity of said products unless the purchaser thereof agrees to purchase any one or all of said products exclusively from respondent; (4) refusing to sell or refraining from selling, any amount or quantity of said products because the purchaser has failed to paint or keep painted in any particular manner his equipment; or, (5) entering into, enforcing or continuing in operation or effect any condition, agreement, arrangement or understanding in, or in connection with, any existing or future sales contracts, which condition, agreement, arrangement or understanding is to the effect that the purchaser of said products shall not use or deal in the goods, wares or merchandise of a competitor or competitors of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Shell Oil Company, New York, N. Y., Docket 6051, March 17, 1953]

This proceeding was instituted by complaint which charged respondent with violation of the provisions of section 3 of the Clayton Act.

It was disposed of, as announced by the Commission's "Notice" dated March 23, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on March 17, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[2] and conclusions,[2] reads as follows:

It is ordered, That the respondent, Shell Oil Company, a corporation, and all its officers, agents, representatives and employees, directly or through any corporate or other device, in connection

with the sale or distribution of kerosene or fuel oils, for the purpose of resale, in commerce, as "commerce" is defined in the act of Congress entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies, and for other purposes," commonly known as the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contracts for the sale of said products upon the condition, agreement, or understanding, express or implied, that the purchaser thereof purchase any one or all of said products exclusively from respondent.

2. Selling or making any contract for the sale of said products upon any condition which, directly or indirectly, obligates the purchaser thereof to refrain from dealing in the goods, wares, or merchandise of a competitor or competitors of respondent.

3. Refusing to sell, or refraining from selling, any amount or quantity of said products unless the purchaser thereof agrees to purchase any one or all of said products exclusively from respondent.

4. Refusing to sell, or refraining from selling, any amount or quantity of said products because the purchaser has failed to paint or keep painted in any particular manner his equipment.

5. Entering into, enforcing or continuing in operation or effect any condition, agreement, arrangement or understanding in, or in connection with, any existing or future sales contracts, which condition, agreement, arrangement or understanding is to the effect that the purchaser of said products shall not use or deal in the goods, wares or merchandise of a competitor or competitors of the respondent.

It is accordingly ordered, That the respondent, Shell Oil Company, shall, within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Issued: March 23, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-4720; Filed, May 28, 1953; 8:49 a. m.]

[Docket 6054]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BROWNER & LEFKOWITZ, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act;* § 3.1325 *Source or origin*—Maker or seller—Wool Products Labeling act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, misbranding such products by, (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and (3) failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in Rule 24 of the rules and regulations promulgated under the said act; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Browner & Lefkowitz, Incorporated, et al., New York, N. Y., Docket 6054, March 5, 1953]

In the Matter of Browner & Lefkowitz, Incorporated, a Corporation, and Benjamin Browner and Herman Lefkowitz, Individually, and as Officers of Said Corporation

This proceeding was heard by Everett F Haycraft, hearing examiner, upon the complaint of the Commission, respondents' answer, and a hearing before said examiner, theretofore duly designated by the Commission, at which a stipulation was entered into by and between counsel for respondents and counsel in support of the complaint, subject to the approval of said examiner.

By said stipulation it was stipulated and agreed that a statement of facts agreed to on the record might be made part of the record in the matter and might be taken as the facts in the proceeding and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto; and that said examiner might proceed upon said statement of facts to make his initial decision stating his findings as to the facts, including inferences which he might draw from the said stipulation of facts and his conclusion based thereon, and then enter his order disposing of the proceeding without the filing of proposed findings and conclusions or the presentation of oral argument. It was also expressly provided therein that upon appeal to or review by the Commission, said stipulation might be set aside by the Commission and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, and stipulation, and said examiner, after approving said stipulation and duly considering the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 5, 1953.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Browner & Lefkowitz, Incorporated, a corporation, and its officers, and respondents, Benjamin Browner and Herman Lefkowitz, individually and as officers of said corporation, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

[1] Filed as part of the original document.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner·

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in Rule 24 of the rules and regulations promulgated under the said act:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act of the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 6054, March 5, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 5, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-4702; Filed, May 28, 1953; 8:47 a. m.]

[Docket 6056]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FEDERAL COACHING INSTITUTE, INC., AND ROBERT P. NARUP

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections*—Government connection—Individual or private business as educational, religious or research institution—Personnel or staff; § 3.55 *Demand or business opportunities;* § 3.85 *Government approval, connection or standards*—Civil Service Commission connections or recognition—Standards, specifications, or source; § 3.115 *Nature*—Product or service; § 3.205 *Scientific or other relevant facts;* § 3.260 *Terms and conditions.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly;* § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections; § 3.1425 *Government connection;* § 3.1430 *Government indorsement, sanction or sponsorship;* § 3.1440 *Identity;* § 3.1450 *Individual or private business as educational, religious or research institution;* § 3.1520 *Personnel or staff·* § 3.1540 *Reputation, success or standing;*—Goods—§ 3.1645 *Government standards or specifications;* § 3.1665 *Indorsements;* § 3.1670 *Jobs and employment;* § 3.1685 *Nature;* § 3.1740 *Scientific or other relevant facts.* Subpart—*Offering unfair improper and deceptive inducements to purchase or deal;* § 3.1995 *Job guarantee and employment,* § 3.2000 *Limited offers or supply;* § 3.2015 *Opportunities in product or service;* § 3.2035 *Results guarantee;* § 3.2063 *Scientific or other relevant facts;* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name*—Vendor; § 3.2365 *Concealed subsidiary or "alter ego"·* § 3.2380 *Government connection;* § 3.2410 *Individual or private business being educational, religious or research institution or organization,* § 3.2435 *Personnel or staff.* In connection with the offering for sale, sale and distribution in commerce, of a course of study and instruction intended for preparing students thereof for examination for Civil Service positions under the United States Government, (1) using the word "Institute" or any abbreviation or simulation thereof as a part of respondents' trade or corporate name, or as a part of the name of the respondents' school; (2) representing directly or by implication through the use of the word "Federal" or any other term of similar import or meaning or any abbreviation or simulation thereof as a part of corporate or trade name that respondents have any connection with the United States Government or any branch or agency thereof; (3) representing directly or by implication: (a) That respondents or their business have any connection with the United States Civil Service Commission or any other branch or agency of the United States Government; (b) that respondents' sales agents and representatives are employees of the United States Civil Service Commission or any other government agency or have any connection therewith; (c) that positions in said Civil Service may be obtained through respondents' school; (d) that starting salaries for positions in the United States Civil Service are greater than they are in fact; (e) that Civil Service positions requring experience or certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirements; (f) that it is necessary that persons seeking Civil Service positions take respondents' course of study in order to obtain such positions; (g) that the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (h) that the number of positions available in the United States Civil Service is greater than is actually the fact; (i) that unless prospective students enroll for respondents' course of study at the time of the visit of respondents' sales agent, they will forever lose the opportunity to do so; (j) that the examinations given by respondents relate to specific positions in the United States Civil Service; (k) that persons who have qualified for appointment to positions may select their place of employment; (l) that respondents will cancel enrollment contracts at the instance of the students; (m) that any organization or individual recommends or endorses respondents' school unless such is the fact; (n) through the use of the designation "Registrar" for their salesmen or otherwise that the individuals employed by respondents to sell their course are anything other than salesmen; (o) that respondents' sales agents are qualified to advise prospective students concerning their qualifications for United States Civil Service positions; (p) that the name Individual Credit Bureau, or any other name used by respondents for the purpose of collecting money due them, is that of a separate or independent organization; or (q) that scholarships or other advantages are awarded, contrary to the fact; or (4) misrepresenting in any manner the positions, salaries, and opportunities for employment in the United States Civil Service to purchasers and prospective purchasers of respondents' course of study; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Federal Coaching Institute, Inc., et al., St. Louis, Mo., Docket 6056, March 5, 1953]

In the Matter of Federal Coaching Institute, Inc., a Corporation, and Robert P Narup, Individually and as an Officer of Federal Coaching Institute, Inc.

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, the "Notice" portion of which provided that failure of respondents to file answer within the time provided in said complaint and failure to appear at the time and place fixed for hearing would be deemed to authorize the Commission and said examiner, without further notice, to find the facts to be as alleged in said complaint and to issue an order to cease and desist in the form set forth in said notice.

Thereafter, following respondents' failure to file an answer to said complaint and their action subsequent to the expiration of time for filing said answer in advising said examiner that they did not intend to appear at the time and place of hearing, a hearing was held, pursuant to notice duly given, before said examiner, theretofore duly designated by the Commission, at which, upon failure of said respondents to appear, the attorney in support of the complaint moved that the hearing be closed and that the examiner proceed in due course

to find the facts to be as alleged in the complaint and issue an order to cease and desist as aforesaid.

Subsequently, following the granting of said motion and the closing of the hearing, the proceeding regularly came on for final consideration by said examiner upon the complaint and said motion by the attorney in support of the complaint. Said examiner, having duly considered the record in the matter and acting pursuant to Rules V and VIII of the rules of practice of the Commission and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, no appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 5, 1953.

The said order to cease and desist is as follows:

It is ordered, That respondent, Federal Coaching Institute, Inc., a corporation, and its officers, and Robert P Narup, individually and as an officer of said corporation, and the respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for Civil Service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Using the word "Institute" or any abbreviation or simulation thereof as a part of respondents' trade or corporate name, or as a part of the name of the respondents' school.

2. Representing directly or by implication through the use of the word "Federal" or any other term of similar import or meaning or any abbreviation or simulation thereof as a part of corporate or trade name that respondents have any connection with the United States Government or any branch or agency thereof.

3. Representing directly or by implication:

(a) That respondents or their business have any connection with the United States Civil Service Commission or any other branch or agency of the United States Government.

(b) That respondents' sales agents and representatives are employees of the United States Civil Service Commission or any other government agency or have any connection therewith.

(c) That positions in said Civil Service may be obtained through respondents' school.

(d) That starting salaries for positions in the United States Civil Service are greater than they are in fact.

(e) That Civil Service positions requiring experience or certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirements.

(f) That it is necessary that persons seeking Civil Service positions take respondents' course of study in order to obtain such positions.

(g) That the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

(h) That the number of positions available in the United States Civil Service is greater than is actually the fact.

(i) That unless prospective students enroll for respondents' course of study at the time of the visit of respondents' sales agent, they will forever lose the opportunity to do so.

(j) That the examinations given by respondents relate to specific positions in the United States Civil Service.

(k) That persons who have qualified for appointment to positions may select their place of employment.

(l) That respondents will cancel enrollment contracts at the instance of the students.

(m) That any organization or individual recommends or endorses respondents' school unless such is the fact.

(n) Through the use of the designation "Registrar" for their salesmen or otherwise that the individuals employed by respondents to sell their course are anything other than salesmen.

(o) That respondents' sales agents are qualified to advise prospective students concerning their qualifications for United States Civil Service positions.

(p) That the name Individual Credit Bureau, or any other name used by respondents for the purpose of collecting money due them, is that of a separate or independent organization.

(q) That scholarships or other advantages are awarded, contrary to the fact.

4. Misrepresenting in any manner the positions, salaries and opportunities for employment in the United States Civil Service to purchasers and prospective purchasers of respondents' course of study.

By "Decision of the Commission and order to file report of compliance," Docket 6056, March 5, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 5, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-4721; Filed, May 28, 1953; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53268]

PART 3—DOCUMENTATION OF VESSELS

In view of section 1001, Title 18, United States Code which protects the Government against knowing and willful falsification of material facts or fraud and misrepresentation as to any matter within the jurisdiction of any department or agency of the United States, the administrative requirement for verification under oath of customs documents that are not required by statute to be under oath is considered unnecessary. To eliminate the administrative requirement of oaths under those circumstances, the customs regulations of 1943 (19 CFR Chapter I), as amended, are amended as follows:

1. Section 3.3 (c) is amended by substituting "submit a certificate" for "execute an affidavit" in subparagraph (3) and by substituting "certificate" for "affidavit" in subparagraphs (4) and (5)

2. Section 3.12 (a) is amended by deleting "duly acknowledged under seal" from the first sentence.

3. Section 3.14 (b) is amended by substituting "certify" for "make affidavit" in the second sentence.

4. Section 3.28 (c) is amended by inserting "a certificate of" after "submit" and by deleting ", in affidavit form," therefrom.

5. Section 3.32 (j) is amended by substituting "a declaration" for "an affidavit" and "signed" for "executed" therein.

6. Section 3.38 (g) is amended to read as follows:

(g) A notice of claim of lien upon a vessel shall be recorded only if the vessel is covered by a preferred mortgage and if the notice has been acknowledged. Any acknowledgment valid under the laws of the State where made may be accepted. No customs officer or employee is authorized by section 486, Tariff Act of 1930, or Customs Delegation Order No. 2 (T. D. 53195, 18 F R. 832), to take such acknowledgments.

7. Section 3.42 (c) is amended by substituting "a certificate" for "an affidavit" therein.

8. Section 3.43 (d) is amended by substituting "a certificate" for "an affidavit" therein.

9. Section 3.51 (f) is amended by substituting "a declaration of publication signed" for "an affidavit or declaration of publication executed" therein.

10. Section 3.56 (a) is amended by deleting "under oaths" therefrom.

11. The first sentence of § 3.56 (b) is amended to read "Any appeal from a revocation or denial of document by a collector shall be in writing."

12. Section 3.70 (a) is amendded by deleting the designation "(a)" and substituting "certify" for "swear" therein.

13. Section 3.70 (b) is deleted.

14. Section 3.71 is amended by substituting "certify" for "make oath" in the first sentence.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

1. Section 4.14 is amended by substituting "certify" for "make an affidavit" in the first sentence of paragraph (a) and by substituting "certificate" for "affidavit" in the second sentence of paragraph (a) by substituting "a certificate of the master" for "an affidavit of the master" in the first sentence of paragraph (f) by substituting "certificate of the master" for "affidavit" in the second sentence of paragraph (f) and by substituting "a certificate of the master" for "an affidavit of the master" in paragraph (g)

2. Section 4.31 (a) is amended by substituting "certificates" for "affidavits" in the second sentence.

3. Section 4.68 (b) is amended by substituting "signed" for "sworn to" therein.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

1. Section 5.3 (a) is amended by substituting "certified" for "sworn to" in the first sentence.

2. Section 5.3 (b) is amended by substituting "certify to the collector" for "make oath before the collector" in the first sentence.

3. Section 5.14 (a) is amended by substituting "a certificate by" for "the sworn statement of" therein.

4. Section 5.14 (b) is amended by deleting "sworn" from the last sentence.

(R. S. 161, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.25 (a) is amended by substituting "certified by him" for "verified by his affidavit" therein.

2. Section 8.53 is amended by deleting "sworn to before a deputy collector or other officer designated to administer oaths," from the second sentence and by deleting the jurat from the form and by adding before the signature line "Dated _____."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

1. Section 9.9 (a) is amended by substituting "declaration" for "affidavit" therein.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.1 is amended as follows:

a. Paragraph (a) (2) is amended by substituting "A declaration" for "An affidavit" therein.

b. The first sentence of paragraph (b) is amended by deleting "the affidavit on" and "the affidavit to be" therefrom and by substituting "executed" for "signed" and "the execution of" for "executed on" therein; by substituting "Form 3311" for "Such affidavit" in the second sentence; by substituting "form" for "affidavit" in the third sentence; and by substituting "the execution of customs Form 3311 shall not be required therefor." for "no affidavit on customs Form 3311 shall be required therefor." in the last sentence.

2. Section 10.8 (b) is amended by deleting "an affidavit and" therefrom.

3. Section 10.10 is amended by substituting "the written declaration" for "an affidavit" in the second sentence.

4. Section 10.13 (a) is amended by deleting " made before a United States consular officer or before the collector of customs," therefrom.

5. Section 10.14 (b) is amended by substituting "the written statement" for "an affidavit" therein.

6. Section 10.26 (b) is amended by deleting "sworn" from the first sentence.

7. Section 10.26 (c) is amended by substituting "a statement" for "an affidavit" in the first sentence.

8. Section 10.35 (b) is amended by substituting "a declaration" for "an affidavit" therein.

9. Section 10.39 (a) is amended by substituting "a certificate" for "an affidavit" in the second sentence.

10. Section 10.39 (c) is amended by substituting "a statement" for "an affidavit" in the second sentence.

11. Section 10.39 (e) (3) is amended by substituting "certificates" for "affidavits" therein.

12. Section 10.47 (b) is amended by substituting "a declaration" for "an affidavit" therein.

13. Section 10.52 is amended by substituting "a declaration" for "an affidavit" therein.

14. Section 10.53 (a) is amended by substituting "declaration" for "affidavit" in the third sentence and by deleting "sworn" therefrom.

15. Section 10.53 (b) is amended by substituting "A declaration" for "An affidavit" therein.

16. Section 10.53 (c) is amended by substituting "a declaration" for "an affidavit" therein.

17. Section 10.54 (b) is amended by substituting "A certificate" for "An affidavit" in the first sentence and by substituting "a certificate" for "an affidavit" in the second sentence.

18. Section 10.56 (f) is amended by substituting "a declaration" for "an affidavit" therein.

19. Section 10.58 (a) is amended by substituting "a certificate" for "an affidavit" in subparagraphs (2), (3), and (4).

20. Section 10.64 (a) is amended by substituting "a declaration" for "an affidavit" in the first sentence; by substituting "declaration" for "affidavit" in the second, third, and fourth sentences.

21. Section 10.64 (b) is amended by substituting "A declaration" for "An affidavit" and "the declaration" for "the affidavit" therein.

22. Section 10.67 (a) (3) is amended by deleting from the form prescribed therein "under oath" and by deleting the jurat appearing at the end thereof.

23. Section 10.72 is amended by substituting "a declaration" for "an affidavit" therein.

24. Section 10.73 (a) is amended by substituting "a certificate" for "an affidavit" in the second and third sentences.

25. Section 10.77 (b) is amended by substituting "a declaration" for "an affidavit" therein.

26. Section 10.79 is amended as follows:

a. The headnote is amended to read "*Proof, import tax.*"

b. Paragraph (a) is amended by substituting "a declaration" for "an affidavit" in the first sentence

c. Paragraph (b) is amended by substituting "declaration" for "affidavit" in the first sentence and by deleting "under oath" from the form set forth in the third sentence; by adding "Dated _____." before the signature line and deleting the jurat following the signature line of the form; by deleting "further" from the certification at the end of the form and by substituting "declaration" for "affidavit" and "declarations" for "affidavits" in the certificate.

27. Section 10.81 (a) is amended by substituting "submitted through the collector of customs for" for "sworn to before a customs officer authorized to administer oaths in" therein.

28. Section 10.82 (a) is amended by substituting "certificate" for "affidavit" in subparagraphs (1) and (2) and by substituting "certificates" for "affidavits" in subparagraph (3)

29. Section 10.82 (b) is amended by substituting "certificate" for "affidavit" therein.

30. Section 10.84 (a) (1) is amended by substituting "A declaration" for "An affidavit" in the first sentence and "declaration" for "affidavit" in the second sentence.

31. Section 10.84 (b) is amended by substituting "a certificate" for "an affidavit" in the first sentence; by substituting "blanket certificate" for "blanket affidavit" and "a statement" for "an affidavit" in the second sentence; and by substituting "statement" for "affidavit" in the third sentence.

32. Section 10.87 is amended by substituting "declaration" for "affidavit" therein.

33. Section 10.89 (a) is amended by substituting "a certificate" for "an affidavit" therein; by substituting "certify" for "do solemnly swear (or affirm)" in the form; by deleting the jurat therefrom; and by adding "Dated _____." before the signature line of the form.

34. Section 10.89 (b) is amended by substituting "a certificate" for "an affi-

davit" therein; by substituting "certify" for "do solemnly swear (or affirm)" and "certify" for "swear (or affirm)" in the form, by deleting the jurat therefrom, and by adding "Dated _____." before the signature line of the form.

35. Section 10.89 (c) is amended by substituting "certificate" for "affidavit" in the first and second sentences.

36. Section 10.90 (b) is amended by deleting "sworn" therefrom.

37. Section 10.90 (d) is amended by substituting "a declaration" for "an affidavit" therein.

38. Section 10.94 (e) is amended by substituting "certificate" for "affidavit" therein; by substituting "certify" for "do hereby solemnly swear (affirm)" in the form set forth therein, by deleting the jurat therefrom, and by adding "Dated _____." before the signature line of the form.

39. Section 10.94 (f) is amended by substituting "certificate" for "affidavit" therein.

40. Section 10.95 (b) is amended by substituting "a declaration" for "an affidavit" in the first sentence and by substituting "declaration" for "affidavit" in the second sentence.

41. Section 10.98 (c) is amended by substituting "a declaration" for "an affidavit" in the first sentence.

42. Section 10.98 (e) is amended by deleting "sworn" from the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. Section 11.12 (e) is amended by deleting "and under oath" from the second sentence.

2. Section 11.12a (e) is amended by deleting "and under oath" from the second sentence.

3. Section 11.16 (a) is amended by substituting "certificates" for "affidavits" in the second sentence.

4. Section 11.16 (b) is amended by substituting "certificates" for "affidavits" therein.

5. Section 11.20 (c) is amended by substituting "a statement" for "an affidavit" therein.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. Section 12.29 (a) is amended by deleting " under oath," from the last sentence.

2. Section 12.40 (i) is amended by substituting "a declaration" for "an affidavit" therein.

3. Section 12.41 (a) is amended by substituting "certify" for "make affidavits" therein.

4. Section 12.61 (a) is amended by substituting "a declaration" for "an affidavit" therein.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 13—SUGARS, SIRUPS, AND MOLASSES; PETROLEUM PRODUCTS; WOOL AND HAIR

1. Section 13.4 (a) is amended by substituting "a declaration" for "an affidavit" therein.

2. Section 13.4 (b) is amended by substituting "declaration" for "affidavit" in the first sentence.

3. Section 13.4 (d) is amended by substituting "a certificate" for "an affidavit" in the first and second sentences; by substituting "certificate" for "affidavit" in the third sentence; and by substituting "certificates" for "affidavits" each place it appears in the fourth and sixth sentences.

4. Section 13.4 (f) is amended by substituting "declaration" for "affidavit" in the first sentence.

5. Section 13.13 is amended by substituting "certificate" for "affidavit" in the headnote and by substituting "certificate" for "affidavit" in the first and third sentences of paragraph (c)

6. Section 13.14 (e) is amended by substituting "a certificate" for "an affidavit" in the third sentence.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 14—APPRAISEMENT

1. Section 14.2 (g) is amended by substituting "the certificate" for "the oath" therein.

(R. S. 161, 251, sec. 624, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT SHIPPED

1. Section 15.1 (c) is amended by substituting "a declaration" for "an affidavit" in the first sentence and by substituting "A declaration" for "An affidavit" in subparagraphs (1) (2) and (3)

2. Section 15.1 (d) is amended by substituting "A declaration" for "An affidavit" in subparagraph (1) and by deleting "sworn" from subparagraph (3)

3. Section 15.8 (a) is amended by substituting "a declaration" for "an affidavit" in the first sentence.

4. Section 15.8 (c) (1) (2) and (3) are amended by substituting "A declaration" for "An affidavit" therein.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

1. Section 16.26 (d) is amended by deleting from the first sentence of the form of certificate in subparagraph (1) (2) and (3) "and sworn to before the notary public, or other officer authorized to administer oaths, whose signature appears below," by deleting from subdivision (ii) of subparagraph (5) "and is sworn to by him before a person authorized to administer oaths," and by deleting from subdivision (iii) of subparagraph (5) "and sworn to"

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. Section 19.15 (i) is amended by deleting "under oath" from the first sentence.

2. Section 19.26 is amended by subsitituting "Certificate" for "Affidavits" in the headnote and by substituting "certificate" for "affidavit" in the first and second sentences.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 22—DRAWBACK

1. Section 22.4 is amended by substituting "An" for "A sworn" in the last sentence of paragraph (a), by deleting "sworn" from paragraph (e), by substituting "An" for "A sworn" in the second sentence of paragraph (g), by deleting "sworn" wherever it appears in paragraphs (h) (i), (j) (k), (n), (p), and (q)

2. Section 22.6 is amended by deleting "sworn" wherever it appears in paragraphs (a) (3) (b) (3) (c) (2) (c) (7), (c) (9) (c) (10) by substituting "An" for "A sworn" in the first sentence of paragraph (b) (15) and deleting "and sworn to" from the last sentence thereof and by substituting "_____ (Signature)" for all matter following the date line of the form of the abstract set forth at the end of paragraph (b) (15), by deleting "sworn" from paragraph (b) (16) and by substituting "_____ (Signature)" for all matter following the date line of the form set forth at the end thereof; by deleting all matter following the signature line of the form of certificate set forth in paragraph (b) (19) and adding "Dated _____." above the signature line; by deleting all matter following the signature line and adding "Dated _____." above the signature line of the drawback entry form set forth in paragraph (b) (20) and by substituting "an" for "a sworn" in paragraph (c) (5)

3. Section 22.13 (f) is amended by deleting "sworn" from the first sentence.

4. Section 22.13 (g) is amended by substituting "certified" for "sworn to" therein.

5. Section 22.15 is amended by deleting the last sentence of paragraph (a) and by substituting "a certificate" for "an affidavit" in paragraph (b)

6. Section 22.17 (b) is amended by deleting therefrom "and shall be sworn to before a notary public or other officer authorized to administer oaths and having an official seal"

7. Section 22.18 (h) is amended by substituting "a declaration" for "an affidavit" in the first sentence; by substituting "declaration" for "affidavit" in the second sentence and by deleting the jurat at the end of the form set forth therein.

8. Section 22.18 (i) is amended by substituting "the declaration" for "the affidavit" and "a certificate" for "an affidavit" therein.

9. Section 22.18 (j) is amended by substituting "certificates" for "affidavits" therein.

10. Section 22.18 (k) is amended by deleting from the form of declaration of lading or use set forth therein all matter following the signature line and adding before the signature line "Dated _____."

11. Section 22.19 (a) is amended by deleting "sworn" from the first sentence.

12. Section 22.23 is amended by deleting "sworn" from paragraph (b) by substituting "a declaration" for "an affidavit" in the first sentence and "declarations" for "affidavits" in the second sentence of paragraph (e) and by deleting "sworn" from the first sentence of paragraph (f)

13. Section 22.26 (b) is amended by substituting "declaration" for "affidavit" in the first and second sentences.

14. Section 22.29 (g) is amended by deleting "sworn" therefrom.

15. Section 22.32 (b) is amended by substituting "certificate" for "sworn statement" in the second and third sentences.

16. Section 22.37 is amended by substituting "a certificate" for "an affidavit" in the first sentence.

17. Section 22.40 is amended as follows:

a. The fifth and sixth items in the list of documents are amended to read:

Statements of manufacturers or producers, supplemental statements, schedules, and supplemental schedules.
Statements of owners.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

1. Section 23.2 (b) is amended by deleting "shall be executed under oath or affirmation and" therefrom.

2. Section 23.24 (a) is amended by substituting "signed by the petitioner" for "executed under oath by the petitioner" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 25—CUSTOMS BONDS

1. Section 25.15 (b) is amended by deleting "and sworn to before a notary public or other officer authorized to administer oaths and having an official seal" therefrom.

2. Section 25.17 (b) is amended by deleting "under oath" therefrom.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

The customs forms affected by these amendments of the regulations will be reprinted in conformity therewith. Until the reprinted forms are available, the present forms shall be used. Appropriate changes may be made in these forms in accordance with the amendments made above.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 25, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-4724; Filed, May 28, 1953; 8:50 a. m.]

[T. D. 53207]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

GIFTS FROM MEMBERS OF UNITED STATES ARMED FORCES

Public Law 19, 83d Congress, approved April 4, 1953, extending for an additional 2 years the existing privileges of free importation of gifts from members of the armed forces of the United States on duty abroad, is published for your information and guidance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of December 5, 1942, entitled "An Act to accord free entry to bona fide gifts from members of the Armed Forces of the United States on duty abroad" as amended (U. S. C., title 50, App., sec. 617), is hereby amended by striking out "July 1, 1953" and inserting in lieu thereof "July 1, 1955"

As Public Law 19, 83d Congress, extends Public Law 790, 77th Congress, as amended by Public Law 384, 80th Congress, until the close of business June 30, 1955, § 54.3, as amended, is further amended by substituting "July 1, 1955", for "July 1, 1953" in paragraph (f).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 493, 624, 46 Stat. 728, 759, 56 Stat. 1041, as amended; 19 U. S. C. 1498, 1624, 50 U. S. C. App. Sup. 846, 847)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 25, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-4725; Filed, May 28, 1953; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5013; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEALERS IN SECURITIES

On October 22, 1952, there was published in the FEDERAL REGISTER (17 F. R. 9588) a notice of proposed rule making to conform Regulations 111 (26 CFR Part 29) to section 327 of the Revenue Act of 1951, relating to capital gains and ordinary losses of dealers in securities, approved October 20, 1951. No objections to the rules proposed having been received, the amendments set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.117-1 the following:

SEC. 327. DEALERS IN SECURITIES—CAPITAL GAINS AND ORDINARY LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Effective with respect to sales or exchanges made after the expiration of the thirtieth day after the date of the enactment of this Act, section 117 is hereby amended by adding at the end thereof the following new subsection:

(n) *Dealers in securities*—(1) *Capital gains.* Gain by a dealer in securities from the sale or exchange of any security shall in no event be considered as gain from the sale or exchange of a capital asset unless—

(A) The security was, prior to the expiration of the thirtieth day after the date of its acquisition or after the date of the enactment of the Revenue Act of 1951 (whichever is the later), clearly identified in the dealer's records as a security held for investment; and

(B) The security was not, at any time after the expiration of such thirtieth day, held by such dealer primarily for sale to customers in the ordinary course of his trade or business.

(2) *Ordinary losses.* Loss by a dealer in securities from the sale or exchange of any security shall, except as otherwise provided in subsection (i) (relating to bond, etc., losses of banks), in no event be considered as loss from the sale or exchange of property which is not a capital asset if at any time after the thirtieth day following the date of the enactment of the Revenue Act of 1951 the security was clearly identified in the dealer's records as a security held for investment.

(3) *Definition of security.* For the purposes of this subsection the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

PAR. 2. Section 29.117-1, as amended by Treasury Decision 5951, approved December 2, 1952, is further amended by adding at the end of paragraph (k) which commences with the words "See section 23 (g) and (k)" the following new sentence: "See also section 117 (n) and § 29.117-12 for the determination of whether or not gains from the sale or exchange of securities by a dealer in securities shall be treated as capital gains, or whether losses from such sales or exchanges shall be treated as ordinary losses."

PAR. 3. There is inserted immediately after § 29.117-11, as added by Treasury Decision 5999, approved March 26, 1953, the following new section:

§ 29.117-12 *Dealers in securities*—(a) *Capital gain.* (1) Effective with respect to sales or exchanges made on or after November 20, 1951, gain by a dealer in securities from the sale or exchange of a security shall in no event be considered to be gain from the sale or exchange of a capital asset unless—

(i) The security is, prior to the expiration of the thirtieth day after the date of its acquisition or of the thirtieth day after October 20, 1951, whichever is later, clearly identified in the dealer's records as a security held for investment; and

(ii) The security is not, at any time after the expiration of such thirtieth day, held by the dealer primarily for sale to customers in the ordinary course of his trade or business.

(2) This provision is applicable only in the case where gain from the sale or exchange of a security would, but for such provision, be considered capital gain. Thus, if the sale of a security by a dealer would, but for section 117 (n) (1), be considered to constitute the sale of a security held for investment, gain from such sale will in no event be considered to be capital gain unless the security has been properly identified within the 30-day period in the dealer's

records as being held for investment and such security is not at any time after the expiration of the 30-day period held by the dealer primarily for sale to customers in the ordinary course of his trade or business. However, the mere fact that a security which is actually held by a dealer for sale to customers in the ordinary course of his trade or business is identified as a security held for investment will not in and of itself cause the gain from the sale of the security to be treated as capital gain whether the security is sold within the 30-day period or after such period.

(b) *Ordinary loss.* (1) Effective with respect to sales or exchanges made on or after November 20, 1951, loss by a dealer in securities from the sale or exchange of a security shall in no event be considered to be loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security has been clearly identified in the dealer's records as a security held for investment. Once a security has been identified after November 19, 1951, as being held for investment, a loss on the subsequent disposition of such security shall in no event be considered an ordinary loss but shall be considered as one arising from the sale or exchange of a capital asset.

(2) Nothing in this paragraph shall be taken to restrict or prohibit the application of section 117 (i) without regard to the manner in which the securities described therein have been identified in the records, to the net capital losses of a bank from sales or exchanges of bonds and certain other securities.

(c) *General.* (1) For the purpose of this section the term "security" means any share of stock in any corporation, any certificate of stock or interest in any corporation, any note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

(2) A security is clearly identified in the dealer's records as a security held for investment when there is an accounting separation of such security from other securities. Accounting separation will be satisfied by (i) making appropriate entries in the dealer's books of account to distinguish the security from inventories and to carry it as an investment and (ii) indicating with such entries, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, the individual security.

(3) In computing the 30-day period within which the security must be clearly identified, and after which such security may not be held primarily for sale to customers in the ordinary course of the trade or business, the first day of such period is the day following the date of acquisition. Thus, in the case of a security acquired on March 18, 1952, the 30-day period expires at midnight on April 17, 1952.

(4) For a definition of a dealer in securities, see § 29.22 (c)–5.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: May 25, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-4723; Filed, May 28, 1953; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A—Revocation]

M-47A—USE OF COPPER AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

REVOCATION

NPA Order M-47A (16 F R. 10461) as amended by Amendment 1 of August 4, 1952 (17 F R. 7116) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-47A as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: May 28, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 53-4768; Filed, May 28, 1953; 11:11 a. m.]

[NPA Order M-47B and Direction 1—Revocation]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

DIR. 1—EXCLUSION OF NEW PRODUCTS FROM FLEXIBILITY PROVISIONS

REVOCATION

NPA Order M-47B (17 F. R. 11818) and Direction 1 to said order (17 F R. 10109) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-47B or under Direction 1 to said order as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order or directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

This revocation is effective July 1, 1953.

Issued: May 28, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
Executive Secretary.

[F. R. Doc. 53-4769; Filed, May 28, 1953; 11:11 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

TOMATO SAUCE [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Tomato Sauce, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.699 *Tomato sauce.* Tomato sauce is the product prepared from the liquid extracted from mature, sound, whole tomatoes, the sound residue from preparing such tomatoes for canning, or the residue from partial extraction of juice, or any combination of these ingredients, to which is added salt and spices and to which may be added one or more sweetening ingredients, onions, garlic, or other vegetable flavoring ingredients. The refractive index of the tomato sauce at 20° C. is not less than 1.3461 nor more than 1.3541.

(a) *Grades of tomato sauce.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of tomato sauce that possesses a good color; that possesses a good con-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

sistency that is practically free from defects; that possesses a good flavor; that possesses a good finish; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of tomato sauce that possesses a fairly good color; that possesses a fairly good consistency that is fairly free from defects; that possesses a good finish; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of tomato sauce that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(b) *Recommended fill of container for tomato sauce.* The recommended fill of container if not incorporated in the grades of the finished product since fill of container as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of tomato sauce be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

(c) *Ascertaining the grade.* (1) The grade of tomato sauce is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
(i) Color	25
(ii) Consistency	25
(iii) Absence of defects	25
(iv) Flavor	25
Total score	100

(2) "Good finish" means that the product is evenly comminuted and has a uniform, smooth texture.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "21 to 25 points" means 21, 22, 23, 24, and 25 points)

(1) *Color* The score for the factor of color is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (Glossy finish).
Disc 2—Yellow (2.5YR 5/12) (Glossy finish).
Disc 3—Black (N1) (Glossy finish).
Disc 4—Gray (N4) (Mat finish).

(i) Tomato sauce that possesses a good color may be given a score of 21 to 25 points. "Good color" means that the color is typical of tomato sauce made from well ripened red tomatoes and which has been properly prepared and properly processed. Such color is the equivalent or better than that produced by spinning the specified Munsell color discs in the following combinations: 65 percent of the area of Disc 1, 21 percent of the area of Disc 2; 14 percent of the area of Disc 3 or of Disc 4, or 7 percent of the area of Disc 3, and 7 percent of the area of Disc 4, whichever most nearly matches the reflectance of the tomato sauce.

(ii) If the tomato sauce possesses a fairly good color, a score of 17 to 20 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color is typical of tomato sauce and is the equivalent or better than that produced by spinning the specified Munsell color discs in the following combinations: 53 percent of the area of Disc 1, 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or Disc 4, or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the reflectance of the tomato sauce.

(iii) Tomato sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Consistency.* The factor of consistency refers to the viscosity of the product and the tendency to hold its liquid portion in suspension.

(i) Tomato sauce that possesses a good consistency may be given a score of 22 to 25 points. "Good consistency means that the tomato sauce shows not more than a slight separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 12 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(ii) If the tomato sauce possesses a fairly good consistency, a score of 18 to 21 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the tomato sauce may show a noticeable, but not excessive, separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 16 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(iii) Tomato sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from defects such as; dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material, or other similar substances. This factor is evaluated by observing a layer of the product on a white, flat, enameled surface. Such layer is prepared by drawing a scraper with a clearance 7 inches long by 3/32 inch high rapidly through the product in two directions so as to form an approximate square.

(i) Tomato sauce that is practically free from defects may be given a score of 21 to 25 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or eating quality of the product.

(ii) If the tomato catsup is fairly free from defects, a score of 18 to 20 points may be given. Tomato sauce that falls into this classification shall not be scored above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or eating quality of the product.

(iii) Tomato sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(4) *Flavor* (i) Tomato sauce that possesses a good flavor may be given a score of 21 to 25 points. "Good flavor" means a good, distinct flavor characteristic of good quality ingredients. Such flavor is free from scorching or any objectionable flavor of any kind.

(ii) If the tomato sauce possesses only a fairly good flavor, a score of 17 to 20 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a flavor characteristic of the ingredients in which there may be slight traces of undesirable flavor such as scorched, bitter, or astringent, but is free from objectionable or off flavors of any kind.

(iii) Tomato sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of tomato sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by

the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for tomato sauce.*

Type of container			
Container size			
Label			
Net weight or volume			
Total solids			
Vacuum readings			
Factors	**Score points**		
I. Color	25	(A) 21–25 (C) [1] 17–20 (SStd.) [1] 0–16	
II. Consistency	25	(A) 22–25 (C) [1] 18–21 (SStd.) [1] 0–17	
III. Absence of defects	25	(A) 21–25 (C) [1] 18–20 (SStd.) [1] 0–17	
IV. Flavor	25	(A) 21–25 (C) [1] 17–20 (SStd.) [1] 0–16	
Total score	100		
Normal flavor and odor			
Grade			

[1] Indicates limiting rule.

Done at Washington, D. C., this 25th day of May 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 53–4691; Filed, May 28, 1953; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53266]

PRODUCTS OF ITALIAN SOMALILAND

MARKING OF COUNTRY OF ORIGIN

MAY 22, 1953.

Acceptable markings to indicate the country of origin under the marking provisions of the Tariff Act of 1930, as amended, for articles manufactured or produced in the former Italian colony of Somaliland are as follows:

Italian Somaliland or Somalia.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53–4717; Filed, May 28, 1953; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2169]

ASSOCIATED NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 25, 1953.

Take notice that Associated Natural Gas Company (Applicant) a Delaware corporation, address, Sikeston, Missouri, filed on May 8, 1953, an application for a certificate of public convenience pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 9 miles of 4-inch natural-gas transmission pipe line extending from a point on the main transmission pipe line of Texas Illinois Natural Gas Pipeline Company near Oak Ridge, Missouri, to the town border of the city of Jackson, Cape Girardeau County, Missouri.

Applicant proposes to utilize the proposed facilities to transport natural gas to the city of Jackson, Missouri for distribution and sale therein. The population of Jackson, Missouri is estimated at 3,707, and Applicant estimates the total annual gas requirements in 1954, the first full year of operation, will be approximately 182,000 Mcf. Applicant estimates the peak day requirement for the service proposed will be approximately 574 Mcf in 1954. Applicant states that at the present time there is no distribution and sale of natural gas within the city of Jackson, and that said community is now dependent upon coal, fuel oil, propane, and other commodities for fuel. Applicant proposes to construct and operate the facilities required for the distribution and sale of natural gas within the city of Jackson.

Applicant further states that by order of June 5, 1952, the Commission authorized Texas Illinois Natural Gas Pipeline Company to provide natural gas service to Applicant for distribution in the city of Jackson, Missouri, up to 700 Mcf per day

The estimated total overall capital cost of all the facilities proposed to be constructed by Applicant is $241,677, consisting of $91,397 for transmission plant, $142,940 for distribution plant, and $7,340 for measuring and regulating facilities.

Applicant proposes to finance such cost from funds and materials on hand and from additional funds to be supplied by its parent, Arkansas-Missouri Power Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of June 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–4693; Filed, May 28, 1953; 8:46 a. m.]

[Docket Nos. IT–6015, IT–6022]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ADDITIONAL PERMANENT INTERCONNECTIONS FOR EMERGENCY USE ONLY

MAY 25, 1953.

Notice is hereby given that on May 25, 1953, the Federal Power Commission issued its order adopted May 21, 1953, authorizing additional permanent interconnections for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–4685; Filed, May 28, 1953; 8:45 a. m.]

[Project No. 1991]

VILLAGE OF BONNERS FERRY

NOTICE OF ORDER DETERMINING ACTUAL LEGITIMATE ORIGINAL COST OF INITIAL PROJECT, NET CHANGES, AND PRESCRIBING ACCOUNTING

MAY 25, 1953.

Notice is hereby given that on May 25, 1953, the Federal Power Commission issued its order adopted May 21, 1953, determining actual legitimate original cost of initial project, net changes therein, and prescribing accounting therefore in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–4686; Filed, May 28, 1953; 8:45 a. m.]

[Projects Nos. 2132, 2133]

IDAHO POWER CO.

NOTICE OF APPLICATIONS FOR LICENSES

MAY 25, 1953.

Public notice is hereby given that Idaho Power Company of Boise, Idaho, has made applications for licenses pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for proposed major Projects Nos. 2132 and 2133, known respectively as the Hells Canyon and Brownlee Projects, on the Snake River, Idaho.

Project No. 2132, which will be located in Wallowa and Baker Counties, Oregon, and in Adams County, Idaho, will consist principally of a dam about 320 feet high and about 1,100 feet long including spillway, located about 18 miles downstream from Homestead, Oregon; a reservoir about 22½ miles long at elevation 1,683 feet; intake structure, 5 steel penstocks; powerhouse on right bank below dam with installed generating capacity of about 272,000 kw; a substation; transmission lines; and appurtenant structures.

Project No. 2133, to be located in Baker and Malheur Counties, Oregon, and Adams and Washington Counties, Idaho, will consist principally of a dam about 395 feet high and about 1,700 feet long including spillway, located about 9 miles downstream from Robinette, Oregon; a reservoir about 57½ miles long at elevation 2,077 feet, with useable storage capacity of about 1 million acre-feet; intake structure and tunnel; 4 penstocks; a powerhouse on right bank about 500 feet below dam, with installed generating capacity of about 360,400 kw; a substation; transmission lines; and appurtenant structures.

Any protest against the approval of these applications or request for any action thereon, with reasons for such pro-

test or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before July 6, 1953, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-4687; Filed, May 28, 1953; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 20-DPAV-24 (c)]

THERMADOR ELECTRICAL MANUFACTURING CO.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 4.2" MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell" dated August 13, 1951, which request and original list of companies accepting such request were published in 17 F. R. 2632 on March 26, 1952. The names of additional companies accepting the request were published in 17 F. R. 5353 on June 12, 1952, and in 17 F. R. 6233 on July 11, 1952.

Thermador Electrical Manufacturing Co., 5119 District Boulevard, Los Angeles 22, Calif.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., as amended by E. O. 10433, Feb. 4, 1953, 18 F. R. 761)

Dated: May 28, 1953.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 53-4766; Filed, May 28, 1953; 10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2979]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION HERETOFORE RESERVED IN RESPECT OF ISSUANCE AND SALE TO BANK OF NOTES

MAY 25, 1953.

Interstate Power Company ("Interstate") a registered holding company and an operating company, having on December 29, 1952, filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") proposing to issue and sell in equal amounts to The Chase National Bank and to Manufacturers Trust Company, on or before April 30, 1953, and on or before November 15, 1953, notes in the aggregate principal amounts of $2,000,000 and $2,300,000, respectively; such notes to bear interest at the rate of 3¼ percent per annum, and to mature 360 days from the dates of issuance or April 15, 1954, whichever date is the earlier; said notes to be prepayable in whole or in part at any time without premium: *Provided,* That if prepayment be made from, or in anticipation of, other bank borrowings, the company is to pay a premium at the rate of 1 percent per annum on the principal amount so prepaid from the date of prepayment to the maturity date of the notes; and

Notice of the filing of said declaration having been given in the form and manner provided in Rule U-23 under the act, and the Commission not having received a request for, and not having ordered, a hearing thereon; and

The Commission having, at the request of declarant, by order entered January 29, 1953, permitted the declaration, as amended, to become effective in respect of the issuance and sale of $2,000,000 principal amount of such notes, and having deferred until further request consideration of, and having reserved jurisdiction over, the issuance and sale of the remaining $2,300,000 of such notes; and declarant having, by a further amendment of said declaration filed April 22, 1953, requested the Commission to enter an order at the earliest convenient date, not later than June 1, 1953, permitting said declaration, as amended to become effective in respect of the issuance and sale of said remaining $2,300,000 of such notes; and

It appearing that the fees and expenses to be incurred and paid in connection with the issue and sale of the total of $4,300,000 of notes, estimated at $10,750, including $5,750 commitment fee payable to the banks, $3,500 of legal fees payable to Springer, Bergstrom & Crowe, counsel for declarant, accountants' fee of $500 payable to Haskins & Sells, and $1,000 travel and miscellaneous expenses, do not appear unreasonable; and

The Commission finding with respect to the proposed issue and sale of said remaining $2,300,000 of notes that the applicable provisions of the act and the rules thereunder have been satisfied, observing no basis for adverse findings or the imposition of terms and conditions other than those contained in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith, with respect to the issue and sale of said $2,300,000 of notes, and that the jurisdiction heretofore reserved in respect thereof be released:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, in respect of the issuance and sale by Interstate of $2,300,000 aggregate principal amount of 3¼ percent notes be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24; and that the jurisdiction heretofore reserved in the Order of January 29, 1953 be, and it hereby is, released.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] OAVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4688; Filed, May 23, 1953; 8:45 a. m.]

[File No. 812-816]

OGDEN CORP. AND ALLEN & CO.

NOTICE OF FILING REQUESTING ORDER EXEMPTING SALE OF SECURITIES BETWEEN AFFILIATES

MAY 25, 1953.

Notice is hereby given that Ogden Corporation ("Ogden"), New York, N. Y., which is a registered, closed-end, nondiversified investment company, and its affiliate, Allen & Company ("Allen") an investment banker partnership, New York, N. Y., have filed a joint application pursuant to sections 6 (c) and 17 (b) of the act seeking an order exempting the transactions summarized below from the prohibitions contained in sections 17 (a) and 18 of the act.

Allen owns 2,732,009 shares (80 percent) of the outstanding common stock of Ogden, being the only stock outstanding. Allen also owns all the outstanding capital stocks, consisting of 10,000 shares of 6 percent preferred stock, $100 par value, and 10,000 shares of common stock, $100 par value, of W. A. Case & Son Manufacturing Co. ("Case") Buffalo, N. Y., a company engaged primarily in the business of manufacturing, selling and distributing various types of plumbing supplies and materials.

Allen proposes to sell to Ogden its holdings of the stocks of Case for a cash consideration of $2,000,000, plus (i) certain expenses incurred in acquiring and transferring said stock and (ii) interest at the rate of 3½ percent per annum on $2,000,000 from November 14, 1952, to the date of payment for said stocks by Ogden. Credit against such interest will be given Ogden to the extent of any dividends received by Allen on said stocks.

The application states that Allen, in the latter part of 1952, undertook to acquire, through certain wholly owned subsidiaries from nonaffiliated interests, the equity ownership of Case for the purpose of transferring the same to Ogden at cost plus expenses. It is also stated that thereafter Ogden through Case will be primarily engaged in the industrial business and will petition the Commission for entry of an order that it has ceased to be an investment company.

Pursuant to the foregoing program Allen, on November 14, 1952, acquired all the capital stock of Case for a cash consideration of $7,000,000 of which $2,000,000 was supplied by Allen and $5,000,000 by a bank loan. Subsequently Case was caused to assume the bank loan and its capital stock was changed into the above mentioned preferred and common stocks. The agreement with the lending banks covering said loan provides, among other things, for an interest rate of 4½ percent per annum and repayment of the princi-

pal as follows: $600,000 on February 15, 1954, $400,000 semiannually thereafter until February 15, 1957, $1,000,000 on July 15, 1957, and the balance on November 15, 1957. Said agreement also contains, among other things, provisions limiting the extent of future borrowings of Case and future stock sales and dividends.

Ogden's assets amount to approximately $1,860,000, the major portion of which is comprised of cash or its equivalent. Ogden estimates that it will be required to borrow approximately $467,000 from banks to complete payment for the Case stocks. Said loan will be secured by a pledge of the Case stocks and other assets, and it is expected that it will mature in not more than one year and bear interest not in excess of 4 percent per annum.

Notice is further given that any interested person may, not later than June 15, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4689; Filed, May 28, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 19]

COLUMBIA, NEWBERRY AND LAURENS RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W Taylor, Agent, the Columbia, Newberry and Laurens Railroad Company, account work stoppage, is unable to transport traffic routed over its line: *It is ordered,* That:

(a) Rerouting traffic: The Columbia, Newberry and Laurens Railroad Company, being unable to transport traffic routed over its line, because of work stoppage, and its direct connections are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., May 22, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., June 8, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 22, 1953.

INTERSTATE COMMERCE COMMISSION, CHARLES W TAYLOR, *Agent.*

[F. R. Doc. 53-4667; Filed, May 27, 1953; 8:50 a. m.]

[4th Sec. Application 28102]

PULPBOARD AND FIBREBOARD FROM ALABAMA, FLORIDA, LOUISIANA AND MISSISSIPPI TO EAST ST. LOUIS, ILL., AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The St. Louis-San Francisco Railway Company, for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Mobile, Ala., Pensacola and North Pensacola, Fla., Bogalusa, La., and East Moss Point, Miss.

To: East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Rail competition, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4703; Filed, May 28, 1953; 8:47 a. m.]

[4th Sec. Application 28103]

SULPHUR FROM POINTS ON LEHIGH VALLEY RAILROAD TO TRUNK LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W. Boin, Agent, for carriers parties to the Lehigh Valley Railroad Company's tariff I. C. C. No. C-9319, pursuant to fourth-section order No. 17220.

Commodities involved: Sulphur (brimstone) other than crude, carloads.

From. Points on the Lehigh Valley Railroad.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a

hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4704; Filed, May 28, 1953; 8:47 a. m.]

[4th Sec. Application 28104]

SAND AND GRAVEL FROM CLAYTON, IOWA, TO INDIANA, MICHIGAN AND OHIO, AND BUFFALO, N. Y.

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand and gravel, carloads.

From: Clayton, Iowa.

To: Specified points in Indiana, Michigan, and Ohio, and Buffalo, N. Y.

Grounds for relief: Rail competition, circuitous routes, and to establish rates constructed on the basis prescribed or approved in docket No. 30524.

Schedules filed containing proposed rates: C. J. Hennings, Alternate Agent, I. C. C. No. A-3718, Supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4705; Filed, May 28, 1953; 8:47 a. m.]

[4th Sec. Application 28105]

POTASH FROM CARLSBAD AND LOVING, N. M., TO PLANTERSVILLE, MISS.

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Atchison, Topeka and Santa Fe Railway Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Potash, carloads.

From: Carlsbad and Loving, N. Mex.

To: Plantersville, Miss.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: TA&SF Ry. tariff I. C. C. No. 14478, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4706; Filed, May 28, 1953; 8:47 a. m.]

[4th Sec. Application 28106]

AUTOMOBILE PARTS FROM HUNTINGTON, W VA., TO ATLANTA, GA.

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile parts, viz: bumpers or bumper fittings, carloads.

From: Huntington, W. Va.

To: Atlanta, Ga., and points grouped therewith.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4707; Filed, May 28, 1953; 8:47 a. m.]

[4th Sec. Application 28103]

LUMBER FROM DYERSBURG AND MEMPHIS, TENN. TO PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to Alternate Agent C. J. Hennings' tariff I. C. C. No. 1551.

Commodities involved: Lumber and related articles, carloads.

From: Dyersburg and Memphis, Tenn.

To: Pacific coast territory.

Grounds for relief: Rail competition, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4709; Filed, May 28, 1953; 8:48 a. m.]

[4th Sec. Application 28109]

DRAIN TILE FROM CENTERVILLE, IOWA, TO MINNESOTA

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to schedules listed on page 1 of the application.

Commodities involved: Drain tile and related articles, carloads.

From: Centerville, Iowa.

To: Points in Minnesota.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4710; Filed, May 28, 1953; 8:48 a. m.]

[4th Sec. Application 28110]

SUGAR FROM CALIFORNIA TO MISSOURI, ILLINOIS, IOWA AND WISCONSIN

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, beet or cane, carloads.

From: Points in California.

To: Alton and Quincy, Ill., Keokuk, Iowa, Canton, Hannibal, Louisiana, and St. Louis, Mo., Dodgeville, Madison, and Watertown, Wis.

Grounds for relief: Rail and market competition, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. J. Hennings, Alternate Agent, I. C. C. No. 1552, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4711; Filed, May 28, 1953; 8:48 a. m.]

[4th Sec. Application 28111]

VERMICULITE FROM TRAVELERS REST, S. C., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, carloads.

From: Travelers Rest, S. C.

To: Clearfield and Pittsburgh, Pa., Cleveland, Ohio, Akron, Black Rock, Buffalo, Niagara Falls, and Suspension Bridge, N. Y.

Grounds for relief: Rail competition, additional and circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1346, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4712; Filed, May 28, 1953; 8:48 a. m.]

[4th Sec. Application 28112]

PIPE FROM GALVESTON, AND HOUSTON, TEX., TO ILLINOIS

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston and Houston, Tex.

To: Lockport, Lemont, Romeo, McCook, and Willow Springs, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and cross-country competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 232.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-4713; Filed, May 28, 1953; 8:48 a. m.]

[4th Sec. Application 28113]

SUGAR FROM CHARLESTON, S. C., TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

MAY 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Southern Railway Company.

Commodities involved: Sugar, beet or cane, also liquid or invert sugar, carloads.

From: Charleston, S. C.

To: Bristol, Va.-Tenn.

Grounds for relief. Rail and market competition.

Schedules filed containing proposed rates: W P Emerson, Jr., Agent, I. C. C. No. 380, Supp. 175.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F R. Doc. 53-4714; Filed, May 28, 1953; 8:48 a. m.]